

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

KYLEE HOPPER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

McMURRY UNIVERSITY

Defendant.

§
§
§
§
§
§
§
§
§
§

Case No. 1:25-cv-00031

DEFENDANT McMURRY UNIVERSITY’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, McMurry University (“McMurry” or “Defendant”) files this Notice of Removal, and respectfully shows the Court as follows:

INTRODUCTION

1. On or about December 31, 2024, Plaintiff Kylee Hopper (“Hopper”) filed a lawsuit against McMurry in Cause No. 13479; *Kylee Hopper, On Behalf of herself and all Others Similarly Situated*, in the 350th District Court of Taylor County, Texas. A true and correct copy of Plaintiff’s Original Class Action Petition is attached as **Exhibit 1**. Defendant was served with process on February 10, 2025.

2. McMurry now timely files this Notice of Removal pursuant to 28 U.S.C. §1446(b).

BASIS FOR REMOVAL

3. This is a civil action over which this Court has subject matter jurisdiction under the Class Action Fairness Act, 28 U.S.C. § 1332(d)(2). There are at least 17,881 putative Class

Members, and at least one member of the class is a citizen of a state different from Defendant.¹

The amount in controversy exceeds \$5 million, exclusive of interest and costs.²

VENUE

5. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Taylor County, Texas, the place where the removed state court action has been pending. This venue also is the location for the consolidated claims under the caption *In re McMurry Data Incident Litigation*.

SATISFACTION OF REMOVAL REQUIREMENTS

6. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the District Clerk of Taylor County, 350th Judicial District and all parties.

7. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. § 1446(a). Those filings consist of Exhibit 1 as described above, and the following additional filings as required by Local Rule 81.1:

- Exhibit A: An index of all documents that clearly identifies each document and indicates the date the document was filed;
- Exhibit B: A copy of the case information (docket) sheet in the state court action;
- Exhibit C: Each document filed in the state court action, except discovery material (with each document filed as a separate attachment):

¹ On February 5, 2025, Honorable Judge James Wesley Hendrix entered an order consolidating the *Fleming* (1:25-cv-009-H) and *Lee* (1:25-cv-014-H) actions into the *Marquez* action, which is the first-filed case, and directs the parties to file all future pleadings and other papers in *Olivia Marquez v. McMurry University*, No. 1:25-CV-002-H, now styled “*In re McMurry Data Incident Litigation*”, the “master docket.”

² In the *Hopper* action, Plaintiff seeks monetary relief over \$1,000,000 for the Class. However, if three other actions filed for the same data breach, the amount of alleged damages is claimed to exceed \$5,000,000 in total, which is the threshold for jurisdiction under the Class Action Fairness Act.

Exhibit 1: Plaintiff's Original Class Action Petition;
Exhibit 2: Request for Issuance (of Citation);
Exhibit 3: Citation; and
Exhibit 4: Affidavit of Service.
Exhibit D: Certificate of interested persons – LR 3.1(c).
Notice of Related Case – LR 3.3(a)
A completed civil cover sheet; and
A supplemental civil cover sheet.

JURY DEMAND

8. Pursuant to Federal Rule of Civil Procedure 38, McMurry demands a trial by jury.

PRAYER

Defendant McMurry University respectfully requests that the United States District Court for the Northern District of Texas, Abilene Division, accepts this Notice of Removal, assumes jurisdiction of this action, and issues all such further orders as may be necessary.

Respectfully submitted,

COZEN O'CONNOR



Gregory S. Hudson
State Bar No. 00790929
LyondellBasell Tower
1221 McKinney St., Suite 2900
Houston, Texas 77010
Tel. No. 832.214.3900
Fax. No. 832.214.3905
ghudson@cozen.com

**ATTORNEYS FOR DEFENDANT,
McMURRY UNIVERSITY**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Removal has been served on February 18, 2025 via e-service and/or email on:

Roger Mandel
JEEVES MANDEL LAW GROUP, PC
2833 Crockett St., Ste. 135
Fort Worth, Texas 76107
rmandel@jeeveslawgroup.com
khill@jeeveslawgroup.com

Jeff Ostrow
KOPELOWITZ OSTROW PA
One West Las Olas Blvd, Suite 500
Fort Lauderdale, FL 33301
ostrow@kolawyers.com

Attorneys for Plaintiff and the Proposed Class



Gregory S. Hudson